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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hubertus MIES

Group Art Unit: 3683

Application No.: 10/510,205

Examiner: M. TORRES

Filed: November 19, 2004

Docket No.: 121111

For: BRAKE SYSTEM

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the December 5, 2005 Election of Species Requirement, Applicant provisionally elect Species A, Figures 3, with traverse.

At least claims 1, 2, 4, 5, 7, 9, 11, 12, 14 and 15 are readable on the elected species.

At least claims 1, 4, 5, 11, 14 and 15 are generic to all species.

Applicant respectfully submits that the species are sufficiently related so as to form a single inventive concept under PCT rule 13.1. Although the Election of Species Requirement asserts the contrary, the Requirement does not provide any basis in fact or support for the conclusion. The Requirement only identifies Figure 3 and Figure 4 as different species, without providing any reason the identified species are considered to lack unity of invention.

Applicant respectfully submits that a statement that the species do not meet the unity of invention standard, without any reasoning or support, cannot form the basis of a proper Election of Species Requirement.

Applicant also respectfully submits that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. Examination of all species in the present application should be conducted to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



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Date: January 5, 2006

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